

Patent Application
U.S. Application No.: 10/777,634
Attorney Docket No.: 52493.000368

REMARKS

The Office Action has been received and carefully considered. Claims 1-8, 10, 12-16, 18 and 19 are pending. Claims 1, 10, 12, 18 and 19 are amended. Claims 9 and 17 are canceled without prejudice or disclaimer to the subject matter set forth therein.

No new matter is added. Support for the amendments to the claims may be found in paragraphs 0017-0020 and 0031-0033 of the published patent application (2005/0182666), for example.

Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

A. The Primary Rejection under 35 U.S.C. § 103

In the Office Action, claims 1, 3-12, and 14-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 5,235,654 to Anderson *et al.* ("Anderson") in view of Scanlon (US 5,850,480). This rejection is traversed.

As articulated in the Federal Register guidelines:

Office personnel must provide an explanation to support an obviousness rejection under 35 U.S.C. 103. 35 U.S.C. 132 requires that the applicant be notified of the reasons for the rejection of the claim so that he or she can decide how best to proceed. Clearly setting forth findings of fact and the rationale(s) to support a rejection in an Office Action leads to the prompt resolution of issues pertinent to patentability. Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v.*

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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Teleflex Inc. Federal Register vol. 72, No. 195, Wednesday, October 10, 2007,
page 57527.

Applicant respectfully submits that the present rejection fails to articulate sufficient findings of fact to support the 35 U.S.C. 103 rejection, in particular as to the amended claims. Applicant respectfully requests that the rejections under 35 U.S.C. 103 be withdrawn.

Applicant's basis for such traversal is set forth below.

The features of claim 1 are set forth in the listing of claims above. In particular, amended claim 1 recites:

rules engine configured to generate an exception task if it is determined that at least one data element is not clean, the rules engine generates an exception task constituted by the rules engine determining a process that is to be performed on one data element of the at least one data element that is not clean, **the exception task associated exclusively to the one data element so as to process the one data element as an individual data element**, and the rules engine generating the exception task being performed in conjunction with the rules engine **performing a determination** of whether the one data element that is not clean is due to (a) more information being required, or (b) the one data element itself is problematic; and

the rules engine configured to receive a resolution for the one data element to the exception task for the one data element, upon the performance of the determined process, thereby enabling validation of the at least one data element.

(emphasis added)

As referenced in the Office Action and as set forth in M.P.E.P. 706.02(j), 35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. M.P.E.P. 706.02(j) indicates that after indicating that the rejection is under 35 U.S.C. 103, the Examiner should set forth in the Office Action:

(A) the **relevant teachings of the prior art relied upon**, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

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(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

M.P.E.P. 706.02(j) references the well known requirements of *Graham v. John Deere*. Further, M.P.E.P. 706.02(j) notes that it is important for an Examiner to properly communicate the basis for a rejection so that the issues can be identified early and the Applicant can be given fair opportunity to reply.

Applicant respectfully submits that such analysis is not satisfied, so as to fairly support the 35 U.S.C. 103 rejection. The basis of the rejection of claim 1 is set forth on pages 3-4 of the Office Action. In particular, the Office Action asserts:

4. As to Claim 1, Anderson teaches a system for routing and processing insurance related data (Anderson, Abstract and col. 8 lines 44-52), the system comprising:
 - a. a raw data database configured to electronically store insurance application related documents (Anderson, col. 3 line 63 to col. 4 line 19, the Examiner takes the position that the master machine generated data structure is equivalent to the raw data database);
 - b. a rules engine configured to convert the documents into at least one data element having a common format (Anderson, Fig. 4A, Fig. 7A-7E, col. 21 lines 25 to col. 22 line 13);
 - c. the clean data is stored in an operational database for use in application processing (Anderson, col. 3 lines 24-33, col. 33 lines 50-66);
 - d. the rules engine configured to generate an exception task if it is determined that at least one data element is not clean, the rules engine generates an exception task constituted by the rules engine determining a process that is to be performed on one data element of the at least one data element that is not clean, **the exception task associated exclusively to the one data element so as to process the one data element as an individual data element** (Anderson, col. 6 lines 56-63, col. 27 lines 3-65); and
 - e. the rules engine receives a resolution to the exception task, upon the performance of the determined process, thereby enabling validation of the at least one data element (Anderson, col. 7 lines 2-13).

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Anderson does not specifically disclose the rules engine determining whether each of the at least one data element has been fully validated as clean data. Scanlon does teach the rules engine determining whether each of the at least one data element has been fully validated as clean data (Scanlon, Figs. 3 and 7E, col. 31 lines 42-48 and col. 33 lines 16-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to have included fully validating each data element as clean data for the motivation for OCR error correction (Scanlon, Abstract).

(emphasis added)

As set forth above, claim 1 was previously amended to recite details of the exception task and related processing. In particular, claim 1 was amended to recite:

... the rules engine generates an exception task constituted by the rules engine determining a process that is to be performed on one data element of the at least one data element that is not clean, **the exception task associated exclusively to the one data element so as to process the one data element as an individual data element;**

(emphasis added)

Accordingly, claim 1 was amended to recite the one-to-one relationship of the exception task, as well as the one-to-one relationship of the exception task vis-à-vis the claimed "resolution."

Claim 1 is now further amended to recite:

... and the rules engine generating the exception task being performed in conjunction with the rules engine **performing a determination** of whether the one data element that is not clean due to (a) more information being required, or (b) the one data itself is problematic; ...

(emphasis added)

Applicant submits that the applied art fails to teach such particular processing. Such claimed features further relate to the nature of the processing of the claimed invention, and further distinguishes over the teachings of Anderson and Scanlon.

Applicant maintains that it is unclear what the Office Action interprets as teaching the claimed "exception task." Applicant notes that Anderson describes:

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... In performing the character recognition process, the resultant coded data may contain errors which are **analyzed by the artificial intelligence error correction processor 28**, also shown in FIG. 1. The sequence of forms recognition and field extraction, yields the MGDS 50A, as is shown in FIG. 1A. The MGDS 50A is then transferred to the character recognition processor 26, along with the extracted field images 10", ...

(emphasis added)

However, from such disclosure, it is unclear what would constitute the claimed "exception task." Therein, for example, Anderson describes the "resultant coded data may contain errors which are analyzed by the artificial intelligence error correction processor 28..." However, such described analyzing may be performed in any of a wide variety of manners. Such described analysis of Anderson clearly fails to fairly teach the claimed "exception task" - so as to support the 35 U.S.C. 103 rejection as alleged.

Applicant acknowledges that the claimed features are open to the broadest reasonable interpretation. However, Applicant respectfully submits that the assertions in the Office Action fail to support the rejection. That is, a task being generated by a rules engine if it is determined that at least one data element is not clean, as set forth, falls short of teaching the claimed invention - in that such is not associated with a received "resolution" as recited in claim 1.

To explain further, in the prior Office Action (in the Response to Arguments), the Examiner asserted:

As stated above, Anderson has specifically disclose throughout his entire publication that the artificial intelligence processor analyzes the data to determine if the character string text contains errors (col. 6 lines 56-63) and **creates a process to repair the errors in the text** (col. 27 lines 3-8).

(emphasis added)

Applicant maintains that such assertion fails to teach the particulars of claim 1. That is, as noted above, claim 1 was previously amended to recite the one-to-one relationship of the exception task, as well as the one-to-one relationship of the exception task vis-à-vis the claimed

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"resolution." The Office Action's assertions reflect a collective fixing of errors, rather than the particulars of individual processing as set forth in the claimed invention.

The Office Action asserts that Anderson teaches manipulation of a data element in clauses (b), (d) and (e), as set forth above. Further, the Office Action asserts that Scanlon teaches the rules engine determining whether each of the at least one data element has been fully validated as clean data.

Thus, the Office Action appears, in such interpretation, to cast both Anderson and Scanlon as teaching such "at least one data element." However, Applicant submits that such interpretation clearly mischaracterizes the applied art and fails to fairly support the 35 U.S.C. 103 rejection. That is, as best understood, the Action appears to be attempting to interpret Anderson's "character" or "character position" as the claimed "data element," (see Anderson in column 7, lines 1-4 and the pending Office Action on page 8, lines 3-5). On the other hand, as best understood, the Office Action appears to be attempting to interpret Scanlon's "sub-string table" as the claimed "data element." (see Scanlon in column 31, lines 42-48 and column 33, lines 16-31).

As can be clearly appreciated, such parameters of Anderson vis-à-vis Scanlon are fundamentally different in nature. Applicant submits that it is a clear mischaracterization of the teachings (of the applied art) to interpret such parameters as constituting the claimed data element. Indeed, it is fully unclear how the described manipulation of Anderson's "character" or "character position" would be combined with the described manipulation of Scanlon's "sub-string table", i.e., so as to be workable in any manner. Indeed, Applicant submits that to talk of such respective parameters of Anderson and Scanlon as akin (to each other) is nonsensical.

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In response to such assertions, the pending Office Action sets forth comments on pages 14-15. The Office Action sets forth a portion of Applicant's arguments. The Office Action thereafter asserts:

Examiner respectfully disagrees. Using the broadest reasonable interpretation in light of the supporting disclosure, **Anderson teaches of creating an error task to at least one character** (reads on, "exception task associated exclusively to at least one data element") so as to **process the one character as an individual character** (reads on, "the one data element as an individual data element"). ...

The Office Action asserts that an example of the supporting disclosure can be found at col. 27 of Anderson. The Office Action (on page 15) sets forth such excerpt (Anderson in column 27, lines 38-65):

Still another application, and one used in the example herein, is common English given names or first names. The MGDS 50B is input to the artificial intelligence error correction processor 28, and the first name field 16" contains the letters "John" which is the character image 18. The output character string 42 of Ja*n" from the character recognition processor 26, will be processed in the error correction processor 28 using lexical analysis. The corresponding second guess character "o" for the second character in the string 42 will also be tested using a lexical analysis to test "Jo*n." The lexical analysis example is of given names having four letters with the first letter being "J" and the last letter being "n." A lexical analysis will draw upon a list of candidate names such as "Joel," "Jack," "John," "Jake," "Jane," "Jean," "Jill," "Joan," "Judy," and "June." The example of the lexical analysis performed by the artificial intelligence error correction processor 28, requires that the input MGDS message 50B supply some information in connection with the field, to enable the first repair to take place. The information supplied is the character string from the character data buffer B of the string 42 "Ja*n," and the second guess character for the second character position, namely "o." The artificial intelligence error correction processor 28 will determine from its lexical analysis that the string "Joan" has a 50 percent certainty and the string "John" also has a 50 percent certainty.

(Emphasis added)

However, Applicant traverses the assertions set forth above (from page 14 of the Office Action). The Examiner is effectively asserting that Anderson teaches "creating an error task to at least one character... so as to process the one character as an individual character" However,

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Anderson is simply not seen to teach such features. In particular, Anderson is not seen to teach the describe "error task". Clarification of support is requested.

In general, it appears the characterization of Anderson (as set forth in the Office Action) sounds of Anderson being more relevant to Applicant's claimed invention than indeed Anderson really in fact is. Applicant respectfully requests clarification of the basis of the rejection and the teachings of Anderson that are relied upon in the rejection. In particular, Applicant requests clarification of what in Anderson constitutes the alleged "error task to at least one character."

Further, the above comments (and disclosure from Anderson) talk in terms of character strings, but do not mention "data element" at all. Thus, Applicant submits that the response fails to address Applicant's argument, in that manner.

The applied art must be combined in some manner which would have been obvious to the one of ordinary skill. Once combined, the modified teachings must teach the claimed invention. However, in this case, Applicant respectfully submits that it is unclear how the applied art would even be combined - given the fundamentally different nature of the "at least one data element" as set forth in the relied upon teachings of Anderson and Scanlon, as well as deficiencies with regard to the manner in which Anderson even is alleged to teach a "data element."

For at least the reasons set forth above, Applicant submits that Anderson fails to support the applied rejection of claim 1 under 35 U.S.C. 102.

Regarding independent claims 10, 12, 18, and 19, since these claims contain similar limitations as argued above with respect to independent claim 1, the same reasons apply to these independent claims.

For at least these reasons, independent claims 1, 10, 12, 18, and 19, as well as dependent

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claims 2-9, 11, 13-17, and 20, are patentable over the applied art. Therefore, the undersigned representative will not address the arguments with respect to such dependent claims and reserves the right to address these arguments at a later time. Accordingly, it is respectfully requested that the rejection of claims 1, 3-13, and 14-20 under 35 U.S.C. §103 be reconsidered and withdrawn.

B. The Rejection of Claims 2 and 13 under 35 U.S.C. § 103

In the Office Action, claims 2 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of in view of Scanlon (US 5,850,480) in further view of the Office Action's alleged Applicant Admitted Prior Art (AAPA).

As admitted in the Office Action, Anderson, *inter alia*, does not disclose the common format being extensible Markup Language. Rather the Office Action takes official notice for this element.

Applicant submits that the modification of Anderson, as proposed in the Office Action, fails to cure the deficiencies of the rejection, as discussed above. That is, Applicant submits that even if it were obvious to modify Anderson as asserted in the rejection of claims 2 and 13 under 35 U.S.C. 103, which is not admitted by Applicant, such would still fail to fairly teach or suggest the claimed invention.

Since claims 2 and 13 are dependent on allowable claims 1 and 12, respectively, these claims are allowable for the same reasons. Accordingly, it is respectfully requested that the rejection of claims 2 and 13 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Withdrawal of the 35 U.S.C. 103 rejection is requested.

C. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application

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is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

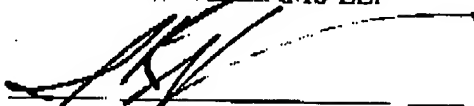
Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: August 1, 2011



James R. Miner
Registration No. 40,444

Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102
Direct Dial (703) 714-7449
Main Dial (703) 714-7400